

Application No. 10/596,210
Amendment dated November 26, 2008
Reply to Office Action of August 29, 2008

Amendments to the Drawings:

The attached sheets of drawings include changes to Fig. 1 and Fig. 4. These sheets replace the original sheets of Fig. 1 and Fig. 4.

In Fig. 1, descriptive element labels, to the extent allowed, have been added.

In Fig. 4, descriptive element labels, to the extent allowed, have been added.

Attachments: Replacement Sheets; and
Annotated Sheets Showing Changes Made.

Remarks/Arguments:

This Amendment adds no new claims, and is provided to amend the specification, drawing figures 1 and 4, and claims 1-38. No new matter has been added. Upon entry of this Amendment, claims 1-38 will be pending. Claims 1 and 20 are independent.

For simplicity, the following comments, arguments and amendments are made in reference to the present application as published as U.S. Patent Publication No. 2007/0274291 A1.

Specification

The Applicant has amended the specification to correct a number of typographical errors only.

Objections to the Drawings

The Examiner has objected to Figs. 1 and 4. Accordingly, the Applicant has submitted replacement sheets including the corrections suggested by the Examiner, and respectfully request the withdrawal of the objection of Figs. 1 and 4.

Rejections of the Claims under 35 U.S.C. 102

The Examiner has rejected claims 1-13, 17-28, 30, 31 and 35-38 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,661,877 of Lee et al. (hereinafter Lee).

Specifically, the Examiner points to Lee as disclosing a system and method for initiating, receiving, controlling and managing different types of synchronous and asynchronous communications over LAN, WAN and Internet networks, by providing communications devices and/or terminals for permitting one or more users to transmit and receive synchronous and asynchronous communications, providing network servers and Local Area Network (LAN) infrastructures for transporting data and all the communications between the communications devices and/or terminals, and wherein all the inbound and outbound communications are initiated, received, controlled and managed by using an Internet Web Browser, such that the operations are performed without using a traditional

telephone switchboard or exchange system of the PBX, PABX, or IPPBX type, purportedly anticipating the method as recited by the Applicant in claim 1 and an apparatus for performing such as recited by the Applicant in claim 20.

The Lee reference describes a system and method for providing storage of, and access to, a unified message store. Specifically, a unified messaging server 11 is provided to allow access to a unified message store 12 that stores computer telephony messages. The unified messaging server 11 is a collection of individual servers, including a telephone server 21, email server 22, and wireless server 23, which respectively enable a plurality of computer telephony devices, including a computer system 14, personal data assistant 15, and WAP-enabled device, to access digital electronic messages maintained in the unified message store 12 over an internetwork 13 or intranetwork, or through a publicly-switched telephone network (PSTN) 16 (see for example, Lee Fig. 1 and col. 3, lines 56-67 to col. 4, lines 1-7).

In contrast to the Lee reference, the Applicant recites a system and method that is configured to manage every type of communication and telecommunication by unifying the communication channels management, through the protocol conversion of the communication channels. In particular, this is achieved by using only one Kernel (e.g., software switch), only one server and only one database in which the settings of the various communications devices are stored (see for example, paragraphs 69-70). In doing so, both “synchronous” and “asynchronous” communications are managed, wherein, for example, “synchronous communications” are the communications which require an immediate interaction between at least two operators (i.e. in-out telephone calls, video calls, chats, and so forth), while “asynchronous communications” are the communications which do not require an immediate interaction between two, or more, operators (i.e. Faxes, emails, SMS, MMS, and so forth).

The Lee reference describes a system and method wherein the unified messaging systems perform the addressing and the digital storing of files (i.e., vocal messages related to phone calls, music, fax, e-mail, and so forth), that is *asynchronous communications* only, in the data base, and from which the files may be later retrieved, automatically or manually, by the users having the ability to do so. Accordingly, the Applicant asserts that there is no

description that the unified messaging server 11 of Lee can initiate, receive, control and manage different types of *both synchronous and asynchronous communications*.

Further, the Applicant recites a system and method wherein the local area networks (see for example, elements 1 and 13 of Fig. 1) are connected to the internet (see for example, element 11 of Fig. 1) and other public and private communication networks (see for example, elements 24 and 26 of Fig. 1), and the server (see for example, element 27 of Fig. 1) is a server of one of the local area networks. In contrast, the system and method described by Lee shows the network element 13 of Fig.1 that is used to connect the devices 14 and 15 with the unified messaging server 11 as comprising an internetwork (or intranetwork, see col. 3, line 66), and not comprising a local area network as asserted by the Examiner.

Still further, the Applicant recites a system and method for initiating, receiving, controlling and managing different types of synchronous and asynchronous communications wherein all of the inbound and outbound communications are initiated, received, controlled and managed by using the internet web browser. As illustrated by way of example in the Applicant's Fig. 1, all of the inbound and outbound communications are initiated, received, controlled and managed by the communications management apparatus 27. The control and management of the inbound and outbound communications is performed by the communications management apparatus 27 using the web services section 14, communications kernel 15 and the dedicated sections 16-22 (see for example, paragraphs 54-57). All communications are processed in this manner (see for example, paragraph 61), and further allows communications between different device protocol "types" (see for example, paragraph 70). In doing so, a number of benefits can be provided, such as the selection of best communications channels, the use of alternate or duplicate communication channels, and the simplified obtaining and maintenance of communication data. Still further, the exemplary system and method is configured such that all inbound and outbound communications are controlled and globally managed through an Internet Web Browser, that also generates a historical log of the communications and their contents using a single database. The system and method provides all the functions and operations that are required for the fully integrated, globally unified communications management of all the types of communications to and from

any and/or every device connected to any one or more of the LAN comprising the apparatus, the WAN, and the Internet, thereby producing a full Computer Telephony Integration (CTI).

In contrast, the system and method of Lee shows the telephone server, email server and wireless server of the unified messaging server, but here is no disclosure that each are in linked communications, as recited by the Applicant and shown by way of example using the web services section 14, communications kernel 15, and logical function sections 16-22 in the communications management apparatus 27 in the Applicant's Fig. 1. That is, there is no description that the unified messaging server 11 of Lee can initiate, receive, control and manage different types of synchronous and asynchronous communications *between the different servers*. As noted at Lee col. 3, lines 60-67, the function of the unified messaging server is to allow the devices of each server to access the unified message store, and is not provided to *facilitate communications between devices of different servers*, or even between devices of the same server.

For these reasons, the Applicant asserts that the Lee reference does not disclose or reasonably suggest each element as recited by the Applicant in independent claims 1 and 20, and respectfully requests the withdrawal of the rejection under 35 U.S.C. 102(e).

Regarding claim 2, the Examiner, in addition to the reasons stated above, further points to Lee as disclosing a system and method wherein all of the inbound and outbound communications are initiated, received, controlled and managed employing only one central processor or Network Server of a single Local Area Network LAN (1), purportedly anticipating the method as recited by the Applicant in claim 2.

However, as noted above, the system and method of Lee shows a unified server comprising a plurality of individual servers (see again col. 3, lines 56-67), including the telephone server, email server and wireless server of the unified messaging server. In doing so, the Lee reference describes a system and method wherein the unified messaging systems perform the addressing and the digital storing of files (i.e., vocal messages related to phone calls, music, fax, e-mail, and so forth), that is *asynchronous communications* only, in the data base, and from which the files may be later retrieved, automatically or manually, by the users.

Accordingly, the Applicant asserts that there is no description that the unified messaging server 11 of Lee can initiate, receive, control and manage different types of *both synchronous and asynchronous communications* for all inbound and outbound communications. Further, there is no disclosure that each of the unified server and/or plurality of individual servers of the Lee reference are in linked communications as recited by the Applicant and shown by way of example using the web services section 14, communications kernel 15 and logical function sections 16-22 in the communications management apparatus 27 in the Applicant's Fig. 1 to thereby facilitate the initiation, receipt, control and management of the different types of both synchronous and asynchronous communications for all inbound and outbound communications.

Further, for the reasons stated above, the Applicant asserts that the Lee reference does not disclose or reasonably suggest each element as recited by the Applicant in independent claim 1 from which claim 2 depends. Accordingly, the Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. 102(e) of dependent claim 2 for the same reasons.

Regarding claim 3, the Examiner, in addition to the reasons stated above, further points to Lee as disclosing a system and method wherein the inbound and outbound communications include both synchronous and asynchronous communications, purportedly anticipating the method as recited by the Applicant in claim 3, and points to Lee as disclosing a system and method wherein the inbound and outbound communications are initiated, received, controlled and managed either individually and/or by mixing *two or more simultaneous* communications, purportedly anticipating the method as recited by the Applicant in claim 4. The Examiner further points to Lee as disclosing a system and method wherein the inbound and outbound communications are initiated, received, controlled and managed, and as even mixing *different types* of all communications, purportedly anticipating the method as recited by the Applicant in claim 5.

However, as noted above, the system and method of Lee shows the telephone server, email server and wireless server of the unified messaging server, but here is no disclosure that

each are in linked communications. That is, there is no description that the unified messaging server 11 of Lee can initiate, receive, control and manage different types of synchronous and asynchronous communications between the different servers. As noted at col. 3 lines 60-67, the function of the unified messaging server is to allow the devices of each server to access the unified message store, and is not provided to facilitate communications between devices. Accordingly, there is no disclosure of mixing *two or more simultaneous* communications, or mixing *different types* of communications between devices.

The Examiner points to col. 4, lines 8-19 as disclosing such functions of the unified messaging server 11. However, lines 8-19 simply describe the use of respective network topologies to allow each coupled device to communicate (e.g., access) the unified message store 12. As the unified messaging server 11 is not provided for other functions, that is, other than allowing coupled devices to communicate with the unified message store 12, no mixing abilities, functions or operations are described. For example, as described at col. 6, lines 37-44, the unified message store stores data in a manner with respect to the type of data, which can be provided to a user in such a respective manner (see for example, col. 7, lines 47-64). However, this is limited to the access to and retrieval from the unified message store, and does not describe a system and method to initiate, receive, control and manage different types of synchronous and asynchronous communications between the different devices, including either simultaneous or mixed synchronous and asynchronous communications between the different devices. As noted above, the Lee reference describes a system and method wherein the unified messaging systems perform the addressing and the digital storing of *asynchronous communications* only, in the data base, and from which the files may be later retrieved. Accordingly, the Applicant asserts that there is no description that the unified messaging server 11 of Lee can effect (i.e., initiate, receive, control and manage) different types of both synchronous and asynchronous communications.

Further, for the reasons stated above, the Applicant asserts that the Lee reference does not disclose or reasonably suggest each element as recited by the Applicant in independent claim 1 from which claims 3-5 depend. Accordingly, the Applicant respectfully requests the

withdrawal of the rejection under 35 U.S.C. 102(e) of dependent claims 3-5 for the same reasons.

Regarding claim 6, the Examiner, in addition to the reasons stated above, further points to Fig. 1 of Lee as disclosing a system and method wherein the inbound and outbound communications comprise communications from communications and terminal devices situated in remote locations, with other remote LANs and being connected through digital networks to the LAN to which the server is associated, wherein the remote communications devices and terminals interacting through the server (27), both amongst themselves and with the other communications devices and terminals, purportedly anticipating the method as recited by the Applicant in claim 6.

The Examiner also points to Fig. 1 of Lee as disclosing a system and method wherein the inbound and outbound communications are effected between the server and the other communications terminals, purportedly anticipating the method as recited by the Applicant in claim 7, and points to Fig. 1 of Lee as disclosing a system and method wherein the inbound and outbound communications are effected between the communications devices and terminals, purportedly anticipating the method as recited by the Applicant in claim 8.

However, as noted above, the system and method of Lee shows the telephone server, email server and wireless server of the unified messaging server, but here is no disclosure that each are in linked communications. That is, there is no description that the unified messaging server 11 of Lee can effect (i.e., initiate, receive, control and manage) different types of synchronous and asynchronous communications *between the different servers* (i.e., between devices of different servers). As noted at col. 3 lines 60-67, the function of the unified messaging server is to allow the devices of each server to access the unified message store, and is not provided to facilitate communications between devices of different servers, or even between devices of the same server.

Also as noted above, the Lee reference describes a system and method wherein the unified messaging systems perform the addressing and the digital storing of *asynchronous communications* only, in the data base, and from which the files may be later retrieved.

Accordingly, the Applicant asserts that there is no description that the unified messaging server 11 of Lee can effect (i.e., initiate, receive, control and manage) different types of both synchronous and asynchronous communications.

Further, for the reasons stated above, the Applicant asserts that the Lee reference does not disclose or reasonably suggest each element as recited by the Applicant in independent claim 1 from which claims 6-8 depend. Accordingly, the Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. 102(e) of dependent claims 6-8 for the same reasons.

Regarding the remaining claims 9-13, 17-19, 21-28, 30-31 and 35-38, the Examiner, in addition to the reasons stated above, further points to Lee as disclosing the elements recited in each, purportedly anticipating the system and method as recited by the Applicant.

However, for the reasons stated above, the Applicant asserts that the Lee reference does not disclose or reasonably suggest each element as recited by the Applicant in independent claims 1 and 20, from which claims 9-13, 17-19, 21-28, 30-31 and 35-38 depend. Accordingly, the Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. 102(e) of dependent claims 9-13, 17-19, 21-28, 30-31 and 35-38 for the same reasons.

Rejections of the Claims under 35 U.S.C. 103

The Examiner has rejected claims 14-16 and 32-34 under 35 U.S.C. 103(a) as being unpatentable over Lee in view of U.S. Patent No. 6,141,411 of Robinson et al. (hereinafter Robinson).

Specifically, the Examiner points to Lee as disclosing the claimed invention with the exception of the system and method for searching and selecting the cheapest communications network for each communication. The Examiner points to Robinson as disclosing such a system and method, purportedly rendering obvious the invention as recited by the Applicant.

However, the Applicant asserts that the Lee reference does not disclose or reasonably suggest each element of Applicant's claims 1 and 20, from which claims 14-16 and 32-34

Application No. 10/596,210
Amendment dated November 26, 2008
Reply to Office Action of August 29, 2008

depend, and the Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. 103(a) for the same reasons.

The Examiner has also rejected claim 29 under 35 U.S.C. 103(a) as being unpatentable over Lee in view of U.S. Patent Publication No. 2003/0041048 of Balasuriya (hereinafter Balasuriya).

Specifically, the Examiner points to Lee as disclosing the claimed invention with the exception of the system and method for communication via satellite. The Examiner points to Balasuriya as disclosing such a system and method, purportedly rendering obvious the invention as recited by the Applicant.

However, the Applicant asserts that the Lee reference does not disclose or reasonably suggest each element of Applicant's claim 20 from which claim 29 depends, and the Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. 103(a) for the same reasons.

Conclusion

In view of the above, it is believed that the application is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

/Ronald S. Grubb/
Ronald S. Grubb, Reg. No. 48,672
Attorney for Applicant

Dated: November 26, 2008

Roylance, Abrams, Berdo & Goodman, L.L.P.
1300 19th Street, N.W., Suite 600
Washington, D.C. 20036
T: (202) 659-9076